

CHRISTENSEN JAMES & MARTIN, CHTD.
7440 WEST SAHARA AVE., LAS VEGAS, NEVADA 89117
Ph: (702) 255-1718 & Fax: (702) 255-0871

CHRISTENSEN JAMES & MARTIN, CHTD.
Wesley J. Smith (11871)
Kevin B. Archibald (13817)
Dylan J. Lawter (15947)
7440 W. Sahara Avenue
Las Vegas, Nevada 89117
Telephone: (702) 255-1718
Email: wes@cjmlv.com, kba@cjmlv.com, djl@cjmlv.com
*Attorneys for Plaintiffs Board of Trustees of the
Employee Painters' Trust, et al.*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BOARD OF TRUSTEES OF THE EMPLOYEE
PAINTERS' TRUST; BOARD OF TRUSTEES
OF THE DISTRICT COUNCIL 16
NORTHERN CALIFORNIA JOURNEYMAN
AND APPRENTICE TRAINING TRUST
FUND; BOARD OF TRUSTEES OF THE
INTERNATIONAL PAINTERS AND ALLIED
TRADES INDUSTRY PENSION FUND;
BOARD OF TRUSTEES OF THE PAINTERS
AND ALLIED TRADES LABOR
MANAGEMENT COOPERATION
INITIATIVE; BOARD OF TRUSTEES OF
THE FINISHING TRADES INSTITUTE;
POLITICAL ACTION TOGETHER-
POLITICAL COMMITTEE FUND; STAR
PROGRAM, INC.; HOLIDAY AND
VACATION FUND,

Plaintiffs,

vs.

J. E. SIMAS FLOORS, INC. d/b/a JE SIMAS
FLOORS, a Nevada corporation; JAMES
EDWARD SIMAS, an individual; TAYLOR
SIMAS SAMMS, an individual; KAREN
BETH FLEISCHMANN a/k/a KAREN B.
FLEISCHMAN a/k/a KAREN B.
FLEISHMAN, an individual; AMERICAN
CONTRACTORS INDEMNITY COMPANY,
a California corporation; DOES I-X; ROES I-
X,

Defendants.

CASE NO.: 2:24-cv-00589-APG-MDC

**STIPULATION TO ALLOW
CERTAIN PARTY
REPRESENTATIVES TO
REMOTELY PARTICIPATE IN THE
SETTLEMENT CONFERENCE/
EARLY NEUTRAL EVALUATION**

Conference Date: April 22, 2025

Conference Time: 9:00 a.m. PDT

Settlement Judge: Maximiliano D.
Couvillier, III

The above-captioned Parties, each acting by and through their undersigned counsel,
state the following:

1 **A. BACKGROUND**

2 1. On January 21, 2025, the Parties filed a Joint Request for Judicial Settlement
3 Conference and Stipulation and Order to Stay Proceedings (Fourth Request) [ECF No. 15].

4 2. On January 22, 2025, the Court entered a Minute Order in Chambers referring
5 the matter to Judge Couvillier for scheduling a settlement conference [ECF No. 16].

6 3. Also on January 22, 2025, Judge Couvillier entered an Order Setting Mediation,
7 which scheduled the Settlement Conference/Early Neutral Evaluation (“Mediation”) for April
8 22, 2025 [ECF No. 18].

9 4. On April 8, 2025, the above-captioned Plaintiffs filed a Request for Certain
10 Party Representatives to Remotely Participate in the Mediation [ECF No. 19] (“IUPAT Pension
11 Fund Motion”), in which Plaintiffs requested that Judge Couvillier allow a representative of the
12 International Painters and Allied Trades Industry Pension Fund (“IUPAT Pension Fund”) to
13 remotely appear and participate in the Mediation. Plaintiffs also confirmed that two Trustees
14 and counsel for the Plaintiffs will appear at the Mediation in person.

15 5. On April 15, 2025, Judge Couvillier entered a Minute Order in Chambers
16 directing Plaintiffs to confer with Defendants regarding its Motion and for the Parties to file a
17 Stipulation agreeing to the remote appearance requested therein or for Defendants to file an
18 opposition to the Motion [ECF No. 20].

19 6. Also on April 15, 2025, Defendants filed a Remote Appearance Request (“ACIC
20 Motion”) for American Contractors Indemnity Company (“ACIC”) [ECF No. 21], in which
21 Defendants requested that Judge Couvillier allow a representative of ACIC to remotely appear
22 and participate in the Mediation.

23 7. On April 16, 2025, Judge Couvillier entered a Minute Order in Chambers
24 denying the IUPAT Fund Motion and the ACIC Motion and directing that the Parties file a
25 Stipulation by 5pm, April 17, 2025, for the IUPAT Pension Fund and ACIC representatives to
26 remotely appear and participate in the mediation [ECF No. 22].

27 8. On April 16, 2025, counsel for the Parties held a telephonic meet and confer
28

wherein Defendants requested a stipulation to allow for the remote appearance and participation of Defendant Taylor Simas Samms. Plaintiffs agreed to include Defendant Taylor Simas Samms ("Ms. Samms") in this Stipulation for her remote appearance and participation in the Mediation, so long as Ms. Samms will meaningfully participate at the Mediation in real time.

B. STIPULATION

The Parties respectfully request that Judge Couvillier grant this Stipulation and allow Taylor Simas Samms, and the IUPAT Pension Fund and ACIC representatives to remotely appear and participate in the Mediation.

CHRISTENSEN JAMES & MARTIN, CHTD.

SIERRA CREST BUSINESS LAW GROUP

By: /s/ Kevin B. Archibald

By: /s/ Alison R. Kertis

Kevin B. Archibald, Esq.
NV Bar No. 13817
7440 W. Sahara Avenue
Las Vegas, Nevada 89117
Tel: (702) 255-1718
Fax: (702) 255-0871
Email: kba@cjmlv.com
Counsel for Plaintiffs

Alison R. Kertis, Esq.
NV Bar No. 13875
6770 S. McCarran, 1st Floor
Reno, NV 89509
Tel: (775) 448-6070
Fax: (888) 506-9058
Email: akertis@sierracrestlaw.com
Counsel for the Defendants

DATED: April 16, 2025

DATED: April 16, 2025

IT IS SO ORDERED:

Counsel for the parties are responsible for arranging the remote audio-video participation of Taylor Simas Samms, and the IUPAT Pension Fund and ACIC representatives at the settlement conference.



Hon. Maximiliano D. Couvillier III
United States Magistrate Judge
DATED: 4/16/2025